

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 FIRST APPEAL NO. 486 OF 2005

The State of Maharashtra
Through: Collector, Osmanabad ..Appellant

VERSUS

Uttam s/o.Janardhan Kulkarni
Age: 32 years, Occu.: Agri. & Service,
R/o.Hipparga (Rava), Tq.Tuljapur. ..Respondent

...

AGP for Appellant : Mr.S.P.Deshmukh
AGP for Respondent : Mr.Prashant Deshmukh (absent)

...

CORAM : M.S.SONAK, J.
DATE : 18th January, 2018

ORAL JUDGMENT:-

1) Heard Mr.S.P.Deshmukh for the appellant. Learned counsel for the respondent neither present nor represented.

2) The appeal is directed against the Judgment and award 17.12.1993 by which the Reference Court has enhanced the compensation from Rs.5,200/- per Acre to

Rs.22,000/- per Acre. Mr.S.P.Deshmukh learned AGP for the appellant submits that enhancement was not justified as there was no cogent evidence on record to sustain such enhancement. He points out that the sale instance was not in respect of comparable land and even the land, which was subject matter of L.A.R. No.419 of 1991 cannot be regarded as comparable instance.

3) He submits that the enhancement in this case is more than four times the rate awarded by the Land Acquisition Officer and therefore, the impugned award is liable to be set aside and the rate determined by the Land Acquisition Officer is liable to be restored.

4) Having considered the submissions of the learned AGP and perusing the record, there is really no case made out to interfere in the impugned award. There is ample evidence on record that the acquired lands were irrigated and out of the acquired lands, the respondent claimant

was raising crops like Sugarcane and earning income by sell of the same. Sale instances relied upon by the Reference Court also relates to comparable land. Same is the position to the lands, which was the subject matter of opposition in L.A.R. No. 419 of 1991.

5) Infact, on perusal of the impugned award, it is seen that the Reference Court in paragraph No.12 has held that the respondent/claimant has brought sufficient evidence on record to show that the lands were sold @ Rs.30,000/- per acre at the relevant time. However, the Reference Court has restricted the compensation to Rs.22,000/- per acre on the basis that this was compensation determined in L.A.R.No.419 of 1991. The material on record has noted by the Reference Court to indicate that quality and fertility of the acquired land was infact superior to subject land in L.A.R. No.419 of 1991.

6) For the aforesaid reasons, this appeal is liable to

be dismissed and is hereby dismissed.

7) There shall be no order as to costs.

[M.S.SONAK, J.]